

RE: MSU Policy and Union Contract Provisions Following Election to Political Office And Participation In Political Activities

SUMMARY: Both existing support staff policy and most individual collective bargaining agreements anticipate and provide provisions for employees elected to public office. As described below, the anticipated result of election to public office is movement of the employee to unpaid leave.

When collective bargaining agreements are silent on the issue, it is our position that the following MSU Support Staff Policy on Leave of Absence Without Pay applies.

There are NO specific collective bargaining agreement provisions or union work rules that prohibit Participation in Political Activities.

1. MSU Support Staff Policies and Procedures

The current Support Staff Policies and Procedures document anticipates the possibility and MSU response to support staff employees who may be elected to public office. The following policy covers both non-represented employees and represented employees (specifically when specific collective bargaining agreements are silent on the issue). The MSU Support Staff Policies and Procedures document is on the human resource website at:

<http://www.hr.msu.edu/HRsite/Documents/Staff/Policies/LOANoPay.htm> .

LEAVE OF ABSENCE WITHOUT PAY

Applies to: Regular University support staff who have completed initial probationary period (CTU employees = 520 hours of work).

- 1. The University grants eligible employees leaves of absence without pay in excess of ten consecutive working days in accordance with the appropriate [Collective Bargaining Agreement](#) and/or the provisions stated below.*
- 2. Eligible employees, with the approval of their supervisor(s) and MSU Human Resource Services, may be authorized to take leaves of absence for up to two years for the following reasons (unless specifically stated otherwise in individual [Collective Bargaining Agreements](#)):*

- *governmental service, if elected to a full-time position for the term of office (subsequent elections may extend this leave)*

2. **Individual Collective Bargaining Agreements**

The following is a summary of the existing provisions in all MSU collective bargaining agreements dealing with the issue of employees elected to political office. Collective Bargaining Agreements can found in their entirety on the MSU Human Resource Website at: <http://www.hr.msu.edu/HRsite/Documents/Staff/Contracts/>

A. **Administrative Professional Supervisors Association (APSA) Agreement** (Article 17, paragraph 192 E., pages 50-51)

ABSENCES WITHOUT PAY INCLUDING LAYOFF [EXCEEDING TEN (10) DAYS]

-192 Eligible employees with the approval of their supervisor(s) and the Office of Human Resource Services may be authorized to take an unpaid leave for up to two (2) years for the following:

E. Governmental service, if elected to a full-time term of office and if holding an elective office. Subsequent elections shall extend to this leave.

B. **Administrative Professional Association (APA) Agreement** (Article 20, paragraph 158 F., pages 42-43)

LEAVES OF ABSENCE WITHOUT PAY

-158 Eligible employees with the approval of their supervisor(s) and the Office of Human Resource Services may be authorized to take unpaid leaves for up to two (2) years for the following:

F. Governmental service if elected to a full-time term of office, and if holding an elective office. Subsequent elections shall extend this leave.

C. **Clerical Technical Union (CTU of MSU) Agreement** (Article 12, paragraph I., B., 6, pages 23-24)

LEAVES OF ABSENCE WITHOUT PAY

I. Leaves of Absence Without Pay Exceeding 10 Days

B. Usage

Eligible employees, with the approval of their supervisors and the Office of Human Resource Services, may be authorized to take unpaid leave for up to a maximum of two (2) years for the following:

6. Governmental service, if elected to a full-time term of office and if holding an elective office. Subsequent elections shall extend this leave.

D. Fraternal Order of Police (FOP), Lodge 141, Sergeant's Division

There is no provision regarding election to public office within this Agreement.

E. Fraternal Order of Police (FOP), Lodge 141, Non-supervisory Division

There is no provision regarding election to public office within this Agreement.

F. American Federation of State County and Municipal Employees (AFSCME) Local 1585 (Article 32, paragraphs 148 and 151, page 30)

There is no specific provision regarding election to public office within this agreement. However, paragraph 148 allows general personal leaves with supervisor approval and paragraph 151 contains general extended leave of absence language.

UNPAID LEAVES

B. Personal Leaves

-148 Personal leaves of absence may be arranged with the immediate supervisor for up to three (3) months. Such leaves may be extended in additional three (3) month periods but may not exceed one (1) year.

-151 If an employee wishes to take an extended leave of absence (to exceed ten (10) days) for reasons other than medical, this leave may be granted without the mandatory use of vacation time and/or personal leave.

G. American Federation of State County and Municipal Employees (AFSCME) Local 999 (Article 36, paragraph 139, page 29)

There is no specific provision regarding election to public office within this Agreement. However, paragraph 139 allows unpaid leaves for "like causes."

UNPAID LEAVES

A. PERSONAL LEAVE

139 Leaves of absence without pay for up to three (3) months may be granted upon the request of the employee for such reasons as settlement of an estate, serious illness of a member of the employee's family, child care, or an extended trip, but not for the purpose of obtaining employment elsewhere. Leaves of absence for like causes may be extended for additional three (3) month periods, but the total leave time shall not exceed one (1) year. (Emphasis added)

H. International Union of Operating Engineers (IUOE), Local 547 (Article 28, paragraph 143, page 30)

There is no specific provision regarding election to public office within this Agreement. However, paragraph 143 allows unpaid leaves for “like causes.”

PERSONAL LEAVE

-143 Leaves of absences without pay up to three (3) months may be granted in cases of exceptional need for those employees who have acquired seniority under this Agreement. Leaves may be granted for such reasons as settlement of an estate, serious illness of a member of the employee's family, child care, temporary termination of the employee's work, or an extended trip, but not for the purpose of obtaining employment elsewhere. Leaves of absence for like causes may be extended for additional three (3) month periods, but the total time shall not exceed one (1) year (Emphasis Added). If a personal leave of absence without pay, because of temporary termination of the employee's work, lasts for a period of thirty (30) days or more, the employee may be required to take another physical examination before returning to work. (Emphasis added)

I. International Alliance of Theatrical State Employees (IASTE), Local 274 (Article 6, paragraph 30, page 6)

While not specifically speaking to election to public office, the provision related to conditions of employment for Regular Full-time Employees, with its “me-too” clause with the APA, may allow leaves of absence for governmental service in the same manner as is allowed APA employees.

WAGE RATES, BENEFITS AND CONDITIONS OF EMPLOYMENT

A. Regular Full-time Employees

-30 Regular full-time employees who are satisfactory to the University, shall be employed in the same manner as other employees situated in the Administrative-Professional Association bargaining unit, to be in charge of and utilized in the operation of the mechanical systems or attendant equipment and such other stage work in designated buildings on campus which shall be assigned to them by the Directors or other designated University official(s). Such full-time employees shall be employed in the same manner and subject to existing rules, regulations and benefits of the University relating to its employment of Administrative-Professional Association Personnel except as such benefits are improved herein (Emphasis Added). Employees classified as regular full-time and part-time will be eligible for special merit pay consideration.